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IN THE COURT OF THE ADDL. ASST. COMMISSIONER OF ENDOWMENTS
SAMBALPUR

The 25th February 2014

Under Section 42 of the O.H.R.E. Act

Present :

Shri Arabinda Rath, O.J.S. (I)

Addl. Asst. Commissioner of Endowments,
Sambalpur.

In the matter of Shree Jagganath and Baidyanath Mahaprabu, Ahirabandh, Rourkela-3
At/P.O. Sector-3, Rourkela, Dist. Sundargarh.

1. *Suo motto*

Versus

The Inspector of Endowments, Sundargarh

.. Opp. Party

ORDER

In exercise of power conferred under Section 42 of the O.H.R.E. Act, the provisions of the Scheme are hereby framed after following due procedures laid down under Section 42 of the O.H.R.E. Act. 1951.

The Scheme shall come into force at once after its publication at the spot and in the *Odisha Gazette*.

Whereas the Additional Assistant Commissioner of Endowments, Sambalpur is satisfied that the above institution with its endowments cannot be properly managed under the general provisions of the Odisha Hindu Religious Endowments Act, 1951. He after consulting the persons having interest in the institution hereby settled the following Scheme of administration under Section 42 (1) (a) of the said Act :—

SCHEME

1. The Scheme shall be called the Scheme of Administration of Shree Jagganath and Baidyanath Mahpravu, Ahirabandh, Rourkela-3, At/P.O. Sector-3, Rourkela. Dist. Sundargarh and shall come into force at once after its publication in the *Odisha Gazette*.

2. The objects of the trust and formation of Trust Board. This institution has been formed for —

- (a) spiritual promotion ;
- (b) conduct religious discourses ;
- (c) to promote Hindu Religious faith, cultural social reforms, spiritual upliftment among the people and for propagation of Hindu religion ;
- (d) to perform pujas ;
- (e) to undertake any religious activity of public interest and welfare of society ;
- (f) to observe important festivals and other major events for propagation of religion ;
- (g) preservation of the premises and endowments of the institution from encroachment and illegal construction ; and
- (h) to construct, renovate, maintain and manage the temple complex and other movable & immovable properties, etc. for the aforesaid purpose and for benefit of Hindu General Public and to acquire lands and buildings for the same and management thereof.

3. This institution with its endowments being a big and the important institution shall be administered by the Non-hereditary Trust Board not exceeding thirteen (13) members representing local Administration, Police Authority, Social Workers. The Board of Trustee shall be appointed by the Addl. Asst. Commissioner of Endowments, Sambalpur subject to condition that they are not disqualified under Section 29 of the O.H.R.E. Act. The Trustees shall elect one of them as President of the institution. There shall be a Secretary to assist the President. The Secretary shall be selected amongst the Trust Board members by the Addl. Asst. Commissioner of Endowments, Sambalpur considering the capability and background of the public members concerned.

He shall exercise the said power as the President. He shall be directly responsible for the President and the Addl. Asst. Commissioner of Endowments, Sambalpur for his act of omission and commission.

4. The Additional Assistant Commissioner of Endowments, Sambalpur can remove any trustee or all the trustees, if at any time it is noticed that a trustee or trustees is/are working against interest of the institution or their presence as trustee or trustees is/are prejudicial to the interest of the institution notwithstanding anything in Section 28 of the O.H.R.E. Act, 1951 to the contrary.

5. The Additional Assistant Commissioner of Endowments, Sambalpur may remove, dismiss or suspend the trustee appointed by him in the same manner as mentioned under Section 28 (4) of the said Act and the trustees may appeal against the order before the Commissioner of Endowments under Section 28 of the Act.

6. The Board of Trustee shall be a body corporate and all suits, legal proceedings by or against Trust Board shall be conducted in the name of Executive Officer on behalf of the said Board.

7. The Board of Trustees shall act in accordance with the scheme and provision or Odisha Hindu Religious Endowments Act, 1951 and Odisha Hindu Endowments Rule, 1959 framed thereunder (hereinafter referred to as the 'Act' and "Rules").

8. The meeting of the Trust Board shall be conducted by the President of the Board. The Board shall meet at least once in a month in the first week for consideration of the administrative affairs, for passing of accounts of the previous month and sanction of necessary expenditure and for other affairs of the institution and shall submit the copy of resolution to the Additional Assistant Commissioner of Endowments, Sambalpur within seven days of such meeting for its approval.

9. The proceeding of the meeting shall be recorded in a book to be kept in such purpose and shall be signed by all members present.

The quorum for meeting of the board shall ordinarily be seven.

10. Any vacancy occurring in the Office of the trustees during the said term shall be filled up by the Additional Assistant Commissioner of Endowments, Sambalpur for the remaining term of that period.

11. If no such meeting convened for any month without assigning any reasons, the Additional Assistant Commissioner of Endowments, Sambalpur shall have the power to call such meeting which shall be deemed to be a meeting called by the Board and in such a meeting no quorum will be necessary.

12. The Trust Board shall prepare and maintain all Registers including a Property Register indicating therein all the properties of the institution and its endowments and shall furnish the same in duplicate to the Commissioner of Endowments, Odisha, Bhubaneswar through the Additional Assistant Commissioner of Endowments, Sambalpur for approval.

13. The Trust Board shall furnish to the Additional Assistant Commissioner of Endowments, Sambalpur such accounts, return, reports and other informations relating to the administration of the institution, its fund property or, income or money connected therewith or the appropriation thereof as the Commissioner of Endowments, the Deputy Commissioner of Endowments or the Additional Assistant Commissioner of Endowments, Sambalpur may require at such time and in such from as they may direct.

14. The Commissioner of Endowments, Odisha, Bhubaneswar or the Deputy Commissioner of Endowments, Odisha, Bhubaneswar or the Additional Assistant Commissioner of Endowments, Sambalpur or any other officer deputed by the Commissioner of Endowments or the Deputy Commissioner of Endowments, Odisha, Bhubaneswar or the Additional Assistant Commissioner of Endowments, Sambalpur on his/their behalf may inspect all movable or immovable properties belonging to the deity and all records, correspondence, plan, accounts and other documents relating to the institution and it shall be the duty of the trustees, all officers and servants and any person having concerned in the administration thereof to provide all such assistance and facilities as may be necessary or required in regard to such inspection and also to produce any such property or documents for inspection if so required.

15. The Trustees shall have no right to transfer by exchange, sale or mortgage and to lease for a term exceeding five years or any immovable property belonging to or given or endowed for the purpose of the institution shall be made unless it is sanctioned by the Commissioner of Endowments, Odisha, Bhubaneswar and for this purpose the provision of the Act shall apply.

16. The disciplinary control both in regard to the management/administration of Trust Board and temple and its employees other than the Executive Officer shall vest in the Board of Trustee in accordance with the provisions contained in the Act and Rules.

17. It is settled that the President of the Board shall be certify authority in all matters relating to management, administration, development of the temple and collection of funds, expenditure, etc., subject to the general control of the Commissioner of Endowments or the Additional Assistant Commissioner of Endowments, Sambalpur.

18. An Executive Officer, shall be appointed by the Additional Assistant Commissioner of Endowments, Sambalpur who shall be a person professing the Hindu Religion. As the majority of the members shall be from the Government Official, the Executive Officer shall be appointed by the Additional Assistant Commissioner of Endowments, Sambalpur to undertake the day-to-day affairs of the management of the institution under the supervision of the President.

19. (a) The Executive Officer shall be paid out of the funds of the institution such salary as may be fixed from time to time by the Additional Assistant Commissioner of Endowments, keeping in view the financial position of the Board and subject to the provisions of the budget estimate and scale of expenditure of the institution.

(b) The Executive Officer shall furnish cash and personal security bond as may be fixed by the Board from time to time.

(c) All other employees of the institution, other than the Executive Officer shall be appointed by the Trust Board of prior approval of the Additional Assistant Commissioner of Endowments, Sambalpur and paid such salary as may be fixed by the Board subject to the provisions of expenditure fixed by the Additional Assistant Commissioner of Endowments, Sambalpur with the budget estimate.

(d) All employees shall be whole time servant of the institution and shall act under the statutory provision of the Act and Rules and this Scheme.

(e) The Trust Board may suspend, fine, remove or dismiss any servant of the institution whether he holds the office hereditarily or not, in accordance with the provisions of Section 32 (1) of the Act, and the employees so punished by the Trust Board may within one month from the receipt of such order appeal to the Additional Assistant Commissioner of Endowments, Sambalpur in accordance with Section 32 (2) of the said Act.

(f) The Executive Officer so appointed, may be summarily removed by the Additional Assistant Commissioner of Endowments, Sambalpur without assigning any reason, if the Additional Assistant Commissioner of Endowments finds it necessary for the interest of the institution, and its endowments to do so.

(g) The Executive Officer appointed shall be for them performance of Section 68 of the Act, be deemed to be persons appointed to discharge the function of Trustee under the Act.

20. The Executive Officer shall be the custodian of all books of accounts/movable and immovable, etc. of the institution.

21. The Executive Officer shall deposit all amount to be collected in the account of the institution in a Bank and shall not keep more than Rs. 5,000 in cash at any time to meet the expenditure. All collection shall be deposited in the Bank within 3 (three) days from the date of such collection.

- (a) The accounts to be opened will be operated jointly by the President of Trust Board and the Executive Officer.
- (b) The Executive Officer shall take all steps to improve financial position of the institution and shall impose entry fees to the temple and shall also collect Bhoga tickets from the devotees and worshippers such rate as may be fixed by the Additional Assistant Commissioner of Endowments. The Pujaks shall be entitled to share/the share of such collection out of Bhoga tickets towards their remuneration and incentive allowance.
- (c) The Executive Officer shall be furnish monthly report of income and expenditure called "Expenditure Statement" regularly during first week of the succeeding month to the Additional Assistant Commissioner of Endowments information.
- (d) The Executive Officer shall maintain all Registers and documents including Property Register and Complain Register and other Registers as required under Section 15 of the O.H.R.E. Act.
22. No part of the funds of the institution shall be utilized for any purpose other than the purpose for which the religious institution has been founded.
23. The Trust Board shall bound to obey all orders issued from time to time by the State Government, Commissioner of Endowments, Odisha, Bhubaneswar, Deputy Commissioner of Endowments, Odisha, Bhubaneswar and the Additional Assistant Commissioner of Endowments, Sambalpur as the case may be.
24. The case of any doubt or ambiguity it shall be decided by the Additional Assistant Commissioner of Endowments, Sambalpur whose decision shall be binding.
25. All the trustees and the employees attached thereto shall profess Hindu Religion and shall have no disqualification as provided in the Act and Rules.
26. Subject to provision of the scheme, the Act and the Rules and subject to control of the Board, the Executive Officer shall manage the properties and all of other affairs of the day-to-day management of the complex and shall take all steps for proper management and for conduct of daily worship and other festivals according to the custom and usages.
27. All the offering made by the devotees to the deity and donation given for the temple shall be the property of the Endowments and the Board shall take possession thereof on proper receipt.
- (a) The sevakas shall have no right to make any collection of the offerings and to appropriate the same except voluntary Bhoga, Dorshanis and Paduka, Dakhina paid to him/them personally by any worshipper.
- (b) A fee for various collections shall be laid down by the Board with consent of the Additional Assistant Commissioner of Endowments, Sambalpur subject to any modification, alternation and addition made by him and it shall be exhibited in conspicuous place of the institution for information of general Hindu Public.
28. No other institution/club or individual are allowed to collect any donation/money, etc. in the name of the deity or institution other than the Trust Board.
29. No other parallel committee is allowed to function in the temple premises other than the Trust Board.

30. The Executive Officer shall be a public servant within the meaning of Section 21 of the I.P.C. He shall hold the office for such period as may be fixed by the Additional Assistant Commissioner of Endowments, Sambalpur and exercise such power and perform such duty as may be fixed by the Additional Assistant Commissioner of Endowments, Sambalpur.

(a) The Executive Officer must least have attained the age of 21 years and not be more than 60 years of age.

(b) He must be a graduate from a recognized University or experience candidate and the preference will be given to the candidate having Computer knowledge.

(c) The condition of service of the Executive Officer shall be same as mentioned in Act & Rules.

(d) The Additional Assistant Commissioner of Endowments, Sambalpur may remove the Executive Officer for good and sufficient cause and may suspend, remove and dismiss him.

(e) In exercise of his power the Executive Office shall act under the supervision of the Trust Board.

31. The expenditure to be incurred on daily service and festival shall be in accordance with a ditum duly approved by the Additional Assistant Commissioner of Endowments, Sambalpur.

BUDGET, AUDIT AND ACCOUNTS

32. The Executive Officer shall submit annual budget before the end of December each year to the Additional Assistant Commissioner of Endowments, Sambalpur in prescribed *pro forma* in triplicate showing probable receipt and disbursement during following financial year.

(a) The budget shall provide an expenditure of 30 per cent of the net income towards nities and seva puja and 20 per cent for periodical festival.

(b) The establishment charges shall be in no event exceed 20 per cent of the net income of the institution without the previous sanction of the Additional Assistant Commissioner of Endowments, Sambalpur, if the present charges exceed the said limit, it shall be reduced.

(c) The budget shall provide for a sum not less than 10 per cent of the net income of the institution for the purpose of effecting petty repairs and white washing and for capital construction including works of utility and for a sum not less than 5 per cent for charity and other allied purposes.

(d) The budget shall also provide a sum not exceeding 5 per cent of the net income of the institution for the purpose of meeting litigation charges.

(e) A sum not exceeding 5 per cent of the net income shall be kept as reserve fund in a separate account for meeting any unforeseen liabilities with prior approval of the Additional Assistant Commissioner of Endowments, Sambalpur and the balance provided in the budget as closing balance.

33. The Additional Assistant Commissioner of Endowments, Sambalpur, on receipt such budget may make such alternation, omission, additions therein or may instruct the Trust Board to chalk out ways and means for improvement of financial condition of the institution to meet the proposed expenditure and to keep reserve fund.

34. The Trustee shall keep all regular accounts or receipt and disbursement and shall maintain all Registers as prescribed under the O.H.R.E. Act and Rules.

(a) The accounts of the institution shall be audited in every alternative year by the Auditors to be appointed by the Commissioner of Endowments, Odisha, Bhubaneswar.

(b) The provisions contained in O.H.R.E. Act and Rules regarding budget, accounts and audit shall be applicable to this institution.

(c) No Trustee shall incur any expenditure not duly approved in budget estimate for the year.

(d) The Trust Board is liable to pay contribution assessed by the Commissioner of Endowments, Odisha, Bhubaneswar and other dues from time to time.

35. Rights of worship and entry to the religious institution shall be reserved for Hindu General Public irrespective of caste and sub-caste and the Trust Board shall collect entry fees from all such persons entering the institution for offering puja which amount shall be decided by the Trust Board with approval of the Additional Assistant Commissioner of Endowments, Sambalpur. Similarly Fees shall be collected from persons for using the premises of the institution for any other purpose of religious activity or ceremonies. However temple premises shall not be used or causes to be used for any political activities or religious activities by the outsiders on a permanent basis without the permission of the Additional Assistant Commissioner of Endowments, Sambalpur.

36. The Trust Board shall take such measure as would be necessary in the interest of the religious institution for proper worship of the deity for sanctity and beauty of the place, for the safety and convenience of the visitors and worshippers, for propagation of spiritual knowledge and religious belief and provisions for charity, and on this count they shall be abided by all orders passed by the Additional Assistant Commissioner of Endowments for proper management, administration and improvement of the institution.

37. The Trust Board shall issue license to the vendors of Bhoga, Pradipa, Flower and other persons who take advantage of the institution for monetary gain and shall access fees in respect of their business and shall submit such proposal for approval to the Additional Assistant Commissioner of Endowments, Sambalpur. Notwithstanding the fact if such vendors have their shops in the temple premises or not and shall also collect license fee from Bhoga shop opened by the side of boundary wall of the temple or on the road side just front of the temple complex and if the Additional Assistant Commissioner of Endowments, advise the Trust Board shall lease by auction such bhoga shops during the month of March of succeeding year to augment the financial condition of the institution.

38. All the valuable properties like jewellerys, ornaments and other valuable articles of the institution shall be kept in a Nationalized Bank Locker or in the Government Treasury as the case may be and ornaments of daily used shall be kept in an Iron-chest embedded in the wall of the office of the Executive Officer under double lock, one key to be kept with the Executive Officer and other with the President or his nominee.

39. The Additional Assistant Commissioner of Endowments, Sambalpur shall reserve the right to add, modify or alter any of the provision for the scheme for its proper management.

40. The Executive Officer shall submit annual income return in prescribed *pro forma* within two weeks after the end of the each financial year to the Commissioner of Endowments, Odisha, Bhubaneswar for the purpose of assessment of contribution after proper verification with a copy to the Additional Assistant Commissioner of Endowments, Sambalpur.

ARABINDA RATH

Additional Assistant Commissioner of Endowments
Sambalpur

Judgment dictated to Steno and corrected by me, pronounced in the open court on the 25th day of February 2014 under my seal and signature.

ARABINDA RATH

Additional Assistant Commissioner of Endowments
Sambalpur

SCHEDULE

The temple of Sri Jagganath and Baidyanath Mahaprabu, Ahirabandh, Rourkela-3, At/P.O. Sector-3, Rourkela, Dist. Sundargarh with its lands, building, temple and movable and immovable properties situated in or out of the temple complex do form part of the Scheme, it being the public religious endowments. The movable and immovable properties of the temple shall be supplemented to the schedule by the Trust Board under intimation to the Additional Assistant Commissioner of Endowments, Sambalpur.

ARABINDA RATH

Additional Assistant Commissioner of Endowments
Sambalpur